

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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EDWARD M. LILLY,

Plaintiff,

v.

DANNY J. CULLEN,  
BENJAMIN J. CAMPBELL,  
NEW YORK STATE POLICE,

Defendants.

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**DECISION AND ORDER**  
15-CV-874-A

This civil action was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1) for pretrial proceedings. On March 14, 2017, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 16) recommending that the Defendants' motion to dismiss the Complaint (Dkt. No. 2) be granted.

The Court has carefully reviewed the Report and Recommendation, the record in the case, and no objections having timely been filed, it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1), for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation (Dkt. No. 16), the motions of Defendants Campbell and New York State Police, are granted, and it is

**ORDERED**, with the consent of Plaintiff Lilly (Dkt. No. 14, p. 2, the Second, Third, and Fifth causes of action are dismissed in their entirety, so that the only alleged claims remaining are the First and Fourth as against Defendant Cullen;

**ORDERED**, that the Clerk of the Court shall amend the caption by removing former Defendants Campbell and New York State Police, and

**ORDERED**, that the case is recommitted to Magistrate Judge Foschio for further proceedings pursuant to the Court's earlier referral order. Dkt. No. 3.

**SO ORDERED.**

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 4, 2017